



Planning and Development Department
Land Use Planning Division

A D M I N I S T R A T I V E U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #13-20000064

Property Address: **1220 COLUSA AVENUE**

Permittee Name: **JOANNE KOCH**

Use and/or Construction Permitted: to excavate dirt within the existing shell of the house, and within the required front yard setback, thereby vertically extending the non-conforming yard and to add a door to the façade within the non-conforming front yard setback pursuant to:

- Section 23C.04.070.B to vertically extend a non-conforming front yard and add a door to the façade within the required front yard setback.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on June 13, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

June 13, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 23, 2013

1220 Colusa Avenue

Administrative Use Permit #13-20000064

To excavate dirt within the existing shell of the house, and within the required front yard setback, thereby vertically extending the non-conforming yard and to add a door to the façade within the non-conforming front yard setback.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

FINDINGS FOR APPROVAL

2. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - The project would not enlarge the shell of the existing house and therefore would not impact surrounding neighbor’s light or views.
 - The existing use of the property is conforming and if the excavation of dirt to allow for a 779 sq. ft. addition within the existing shell of the house would not:
 1. Reduce any yard below the minimum setback requirements, or further reduce existing non-conforming yards; or
 2. Exceed the maximum or calculated height limits.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

- 10.** The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Individual Responsible for Noise Management:**

Name: _____ Phone: _____

- 11.** The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

- Alterations, closures, or blockages to sidewalks or pedestrian paths

- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street
- Significant truck activity.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

Prior to Issuance of Any Building Permit:

12. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

During Construction:

13. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
14. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

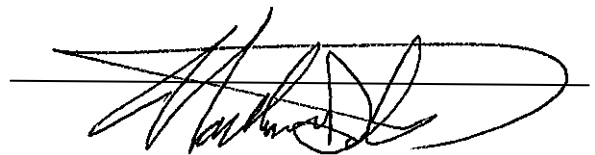
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

Prior to Issuance of Occupancy Permit or Final Inspection:

23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **MAY 3, 2013**.

At All Times (Operation):

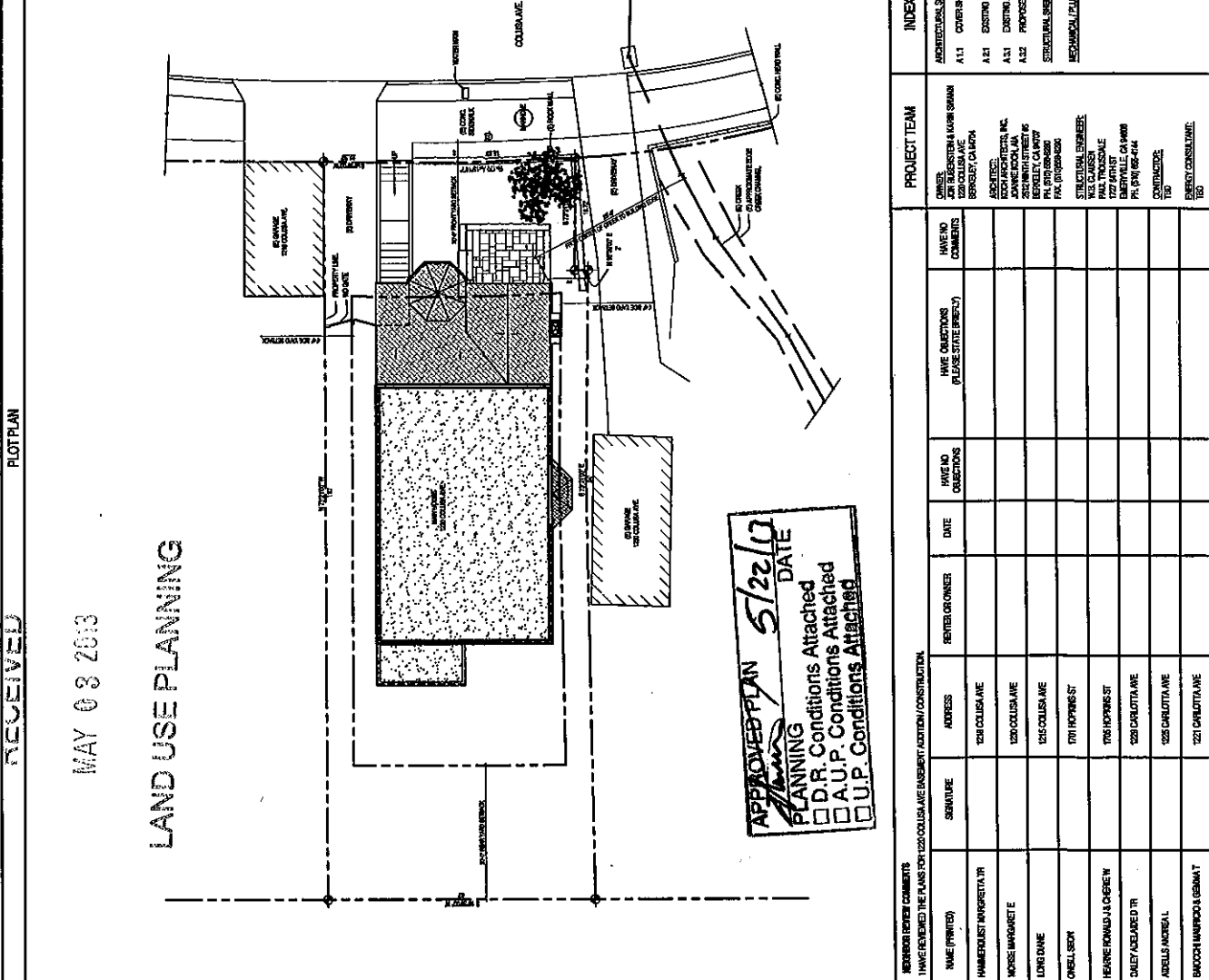
25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
27. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Prepared by: Nathan Dahl for
Debra Sanderson, Zoning Officer

File: G:\LANDUSE\Projects by Address\Colusa\1220\AUP 13-2000064\WORKING\AUP Findings.docx

RECEIVED
 MAY 08 2013
 LAND USE PLANNING



GENERAL NOTES	PROJECT DATA & DESCRIPTION	INDEX OF DRAWINGS
<ol style="list-style-type: none"> CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. REPORT ANY DISCREPANCIES TO THE ARCHITECT IN WRITING BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS, EXCEPT FULL SIZE DETAIL DRAWINGS. DIMENSIONS ARE TO FACE OF STUD. FACE OF MASONRY OR FACE OF COLUMNS UNLESS OTHERWISE NOTED. CONDITIONS OF THE CONSTRUCTION CONTRACT SPECIFICALLY SHOW CONTRACTOR'S OBLIGATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. PROMOTE FIRE RESISTANCE AT ALL JOINTS OVER AN HEIGHT, AT STAIRS, STAIRWAYS AND WHERE OTHERWISE REQUIRED BY CODE. PROVIDE SHEET GLAZING WHERE REQUIRED BY U.L.C. SECTION 200A. ALL MATERIALS AND EQUIPMENT SHALL BE UNLIMBED AND UNREPAIRED PER MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS. CONTRACTOR SHALL VERIFY EXISTENCE AND LOCATION OF ALL UTILITY SERVICES. NOTIFY THE ARCHITECT OF ANY INTERFERENCE OR CONFLICTS WITH THE DRAWINGS. CONTRACTOR SHALL KEEP THE PREMISES FREE FROM ACCUMULATION OF WASTE MATERIALS. UPON COMPLETION OF THE WORK, ALL WASTE MATERIALS SHALL BE REMOVED BY THE CONTRACTOR. THE ENTIRE PROJECT IS TO BE CLEAN. CONTRACTOR IS TO NOTIFY THE ARCHITECT OF ANY PRODUCT SUBSTITUTIONS BEFORE PURCHASING OR ORDERING THE PRODUCT. 	<p>PROPERTY DESCRIPTION 000 000000 1220 COLUSA AVE BERKELEY, CA 94704</p> <p>LOT SIZE: 4,400 SQ. FT.</p> <p>CONSTRUCTION TYPE: TYPE 1A9 OCCUPANCY TYPE: R3 ZONING: R3</p> <p>PROJECT DESCRIPTIONS ADDITION OF A BASEMENT LEVEL WITHIN THE EXISTING BUILDING ENVELOPE. NEW ADDITION TO INCLUDE STRUCTURAL, ELECTRICAL AND MECHANICAL.</p> <p>CODES ALL CONSTRUCTION INCLUDING PLUMBING, MECHANICAL, AND ELECTRICAL INSTALLATIONS SHALL COMPLY WITH THE 2010 CALIFORNIA RESIDENTIAL CODE BOOK (C.R.C.), 2010 CALIF. STATE LOCAL CODES AND ORDINANCES.</p> <p>EXISTING SQ. FT. LOWER LEVEL: 779 SQ. FT. MAIN FLOOR: 1,460 SQ. FT. UPPER FLOOR: 1,220 SQ. FT.</p> <p>TOTAL CONDITION SPACE: 2,882 SQ. FT.</p>	<p>ARCHITECTURAL SHEETS</p> <p>A1.1 COVER SHEET, PROJECT DATA, PLOT PLAN</p> <p>A1.2 EXISTING / PROPOSED FLOOR PLANS</p> <p>A1.3 EXISTING / PROPOSED EXTERIOR ELEVATIONS</p> <p>A1.4 EXISTING / PROPOSED EXTERIOR ELEVATIONS</p> <p>STRUCTURAL SHEETS</p> <p>MECHANICAL / PLUMBING / ELECTRICAL SHEETS</p>

MATERIALS LEGEND	SYMBOLS	PROJECT TEAM
<p>WOOD FRAMING</p> <p>WOOD BLOCKING</p> <p>FRESH WOOD</p> <p>PLYWOOD</p> <p>WOOD PENER</p> <p>STEEL ALUMINUM</p> <p>CONCRETE</p> <p>GRAVEL</p> <p>EMT</p> <p>SANDSTOCK</p> <p>INSULATION</p>	<p>DETAIL REFERENCE</p> <p>SECTION REFERENCE</p> <p>EXT. ELEV. REFERENCE</p> <p>INT. ELEV. REFERENCE</p> <p>PROJECT NORTH BY APPLICABLE</p> <p>ROOM NAME & NUMBER</p> <p>DOOR NUMBER</p> <p>WINDOW NUMBER</p> <p>WALL TYPE</p> <p>ROOM NUMBER</p> <p>CENTERLINE</p> <p>DIMENSION</p> <p>PROPERTY LINE</p> <p>FENCE</p>	<p>OWNER: JON RUBENSTEIN & KATH SWANN 1220 COLUSA AVE BERKELEY, CA 94704</p> <p>ARCHITECT: RUBENSTEIN SWANN ARCHITECTS, INC. 2021 NORTH STREET #6 BERKELEY, CA 94707 415.803.8800 P.O. BOX 98000</p> <p>STRUCTURAL ENGINEER: STEVE CLONSON 1727 4TH ST EMERYVILLE, CA 94608 P.O. BOX 108-474</p> <p>CONTRACTORS: TSD</p> <p>ENERGY CONSULTANT: TSD</p>

GENERAL NOTES	PROJECT DATA & DESCRIPTION	INDEX OF DRAWINGS
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Koob Architects, Inc.
 2511 Market Street, Suite 200
 Berkeley, CA 94704
 Tel: 415.863.1111
 Fax: 415.863.1112
 www.koobarchitects.com



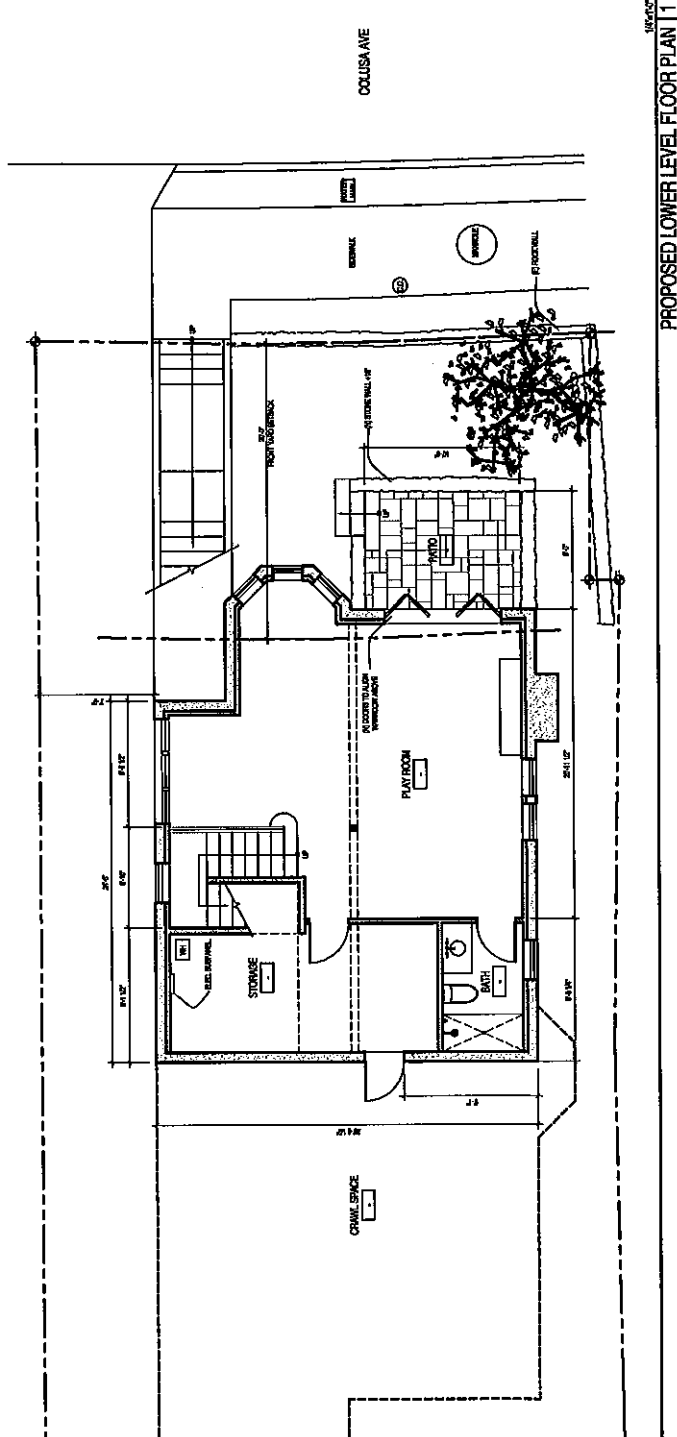
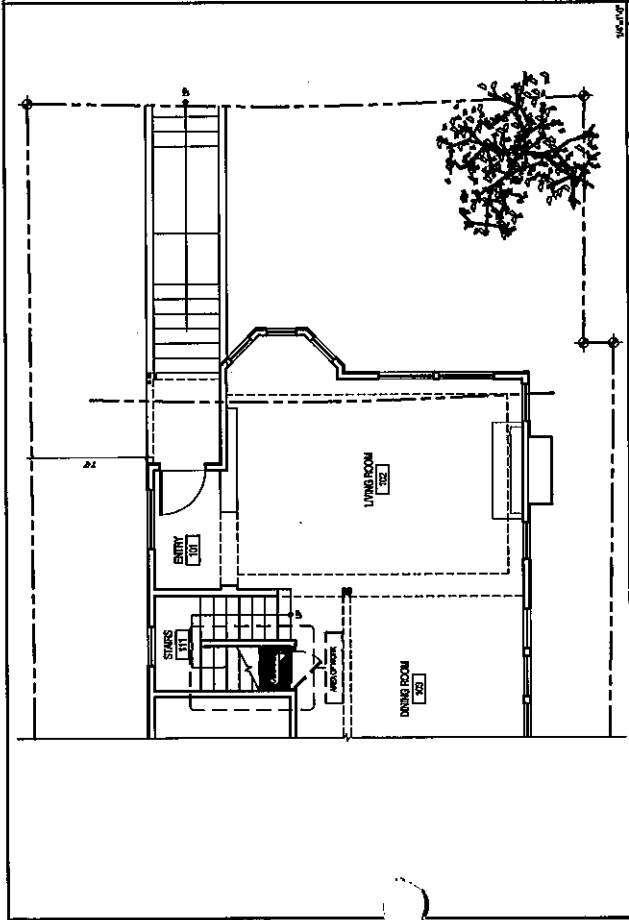
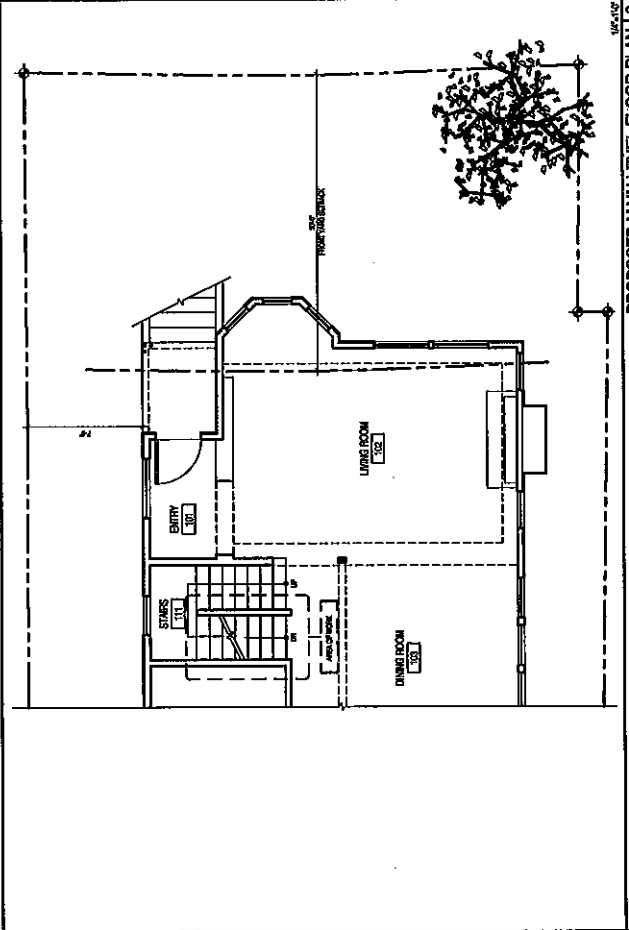
Drawings based on:
 A2P SUBMITTAL
 APRIL 26, 2013

RUBENSTEIN SWANN RESIDENCE
 for Jon Rubenstein & Karin Swann
 1220 COLLUSA AVE BERKELEY, CA 94704

Sheet Desc:
 CENTRAL REVISION PLAN

Job No: 1200
 Date: 04/26/13
 Sheet No: 010

A2.1



APPROVED PLAN
 Attached
 5/22/13
 DATE
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Koch Architects, Inc.
 1220 Colusa Ave. Berkeley, CA 94704
 Tel: 415.863.9200
 Fax: 415.863.9201
 www.kocharchitects.com

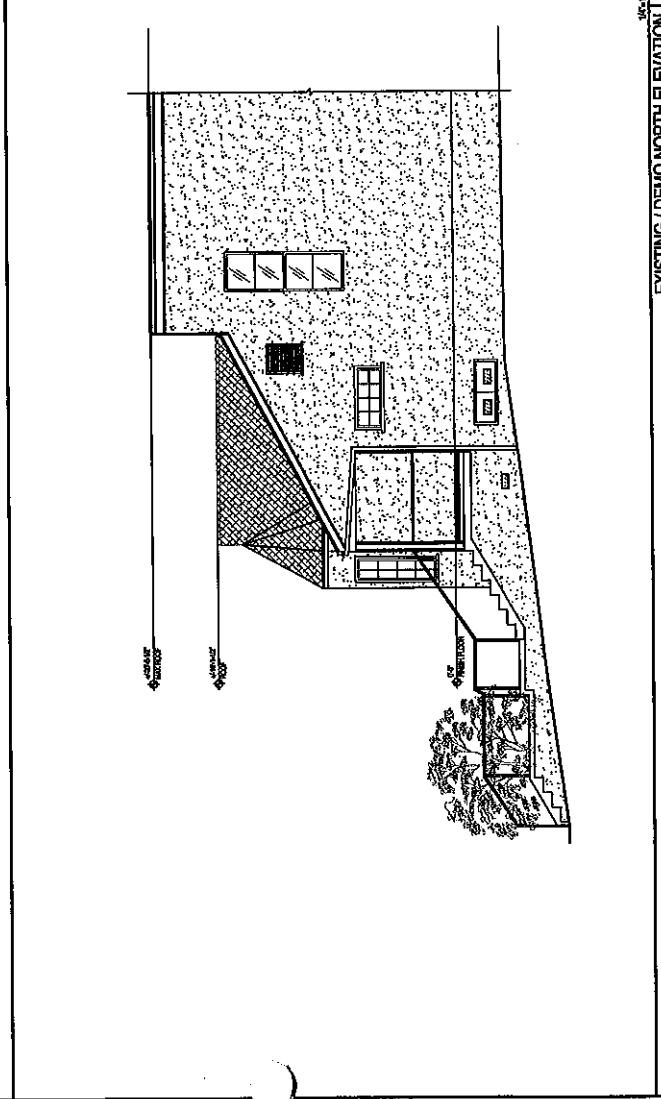
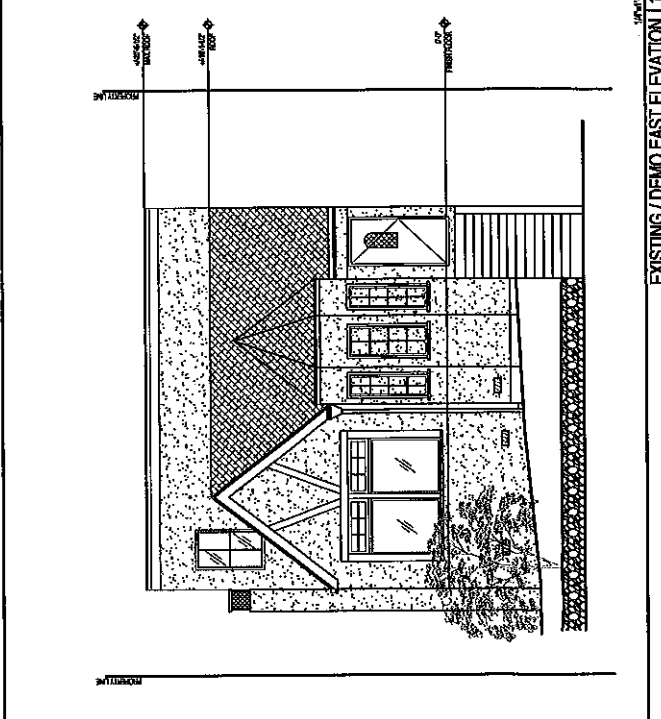
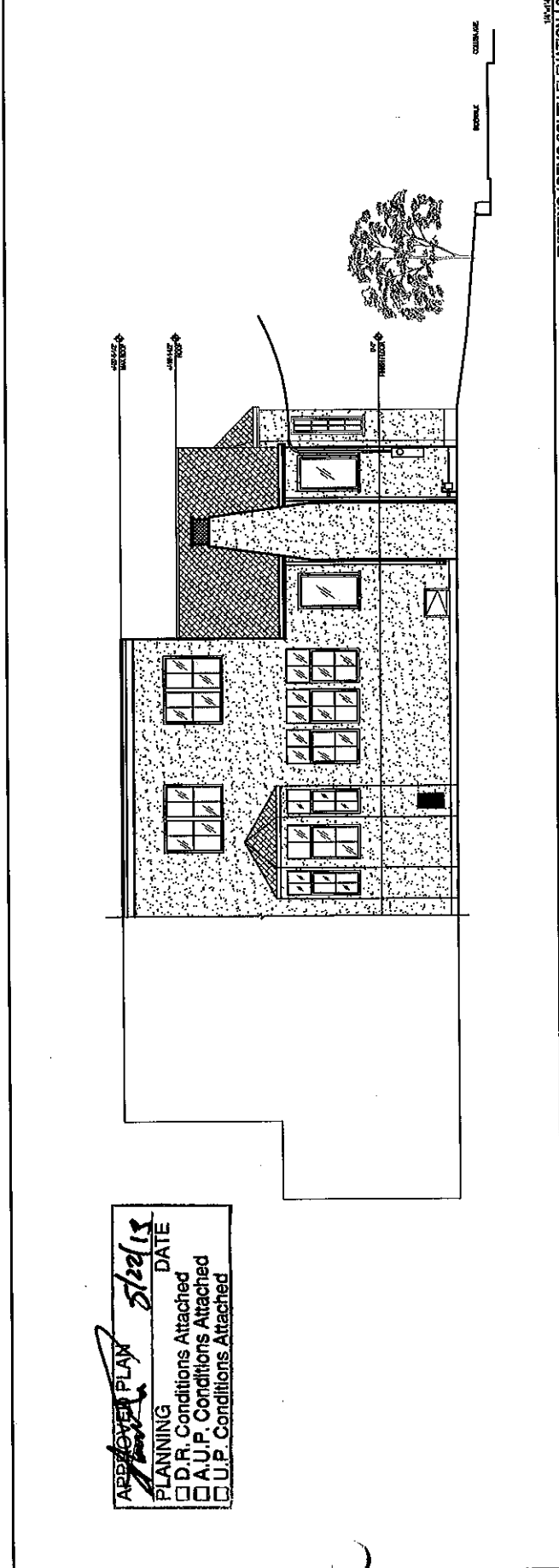


Contract No. 10254
 Project Name: RUBENSTEIN SWANN RESIDENCE

RUBENSTEIN SWANN RESIDENCE
 for Jon Rubenstein & Karin Swann
 1220 COLUSA AVE BERKELEY, CA 94704

Sheet No. A3.1
 Date: APRIL 22, 2012
 Scale: 3/8" = 1'-0"
 Job No. 1220

Sheet No. A3.1



APPROVED PLAN *Shed 13*
 PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

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 1000 California Street, Suite 100
 Berkeley, CA 94704
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 Fax: 415.863.1001
 www.koonarchitects.com

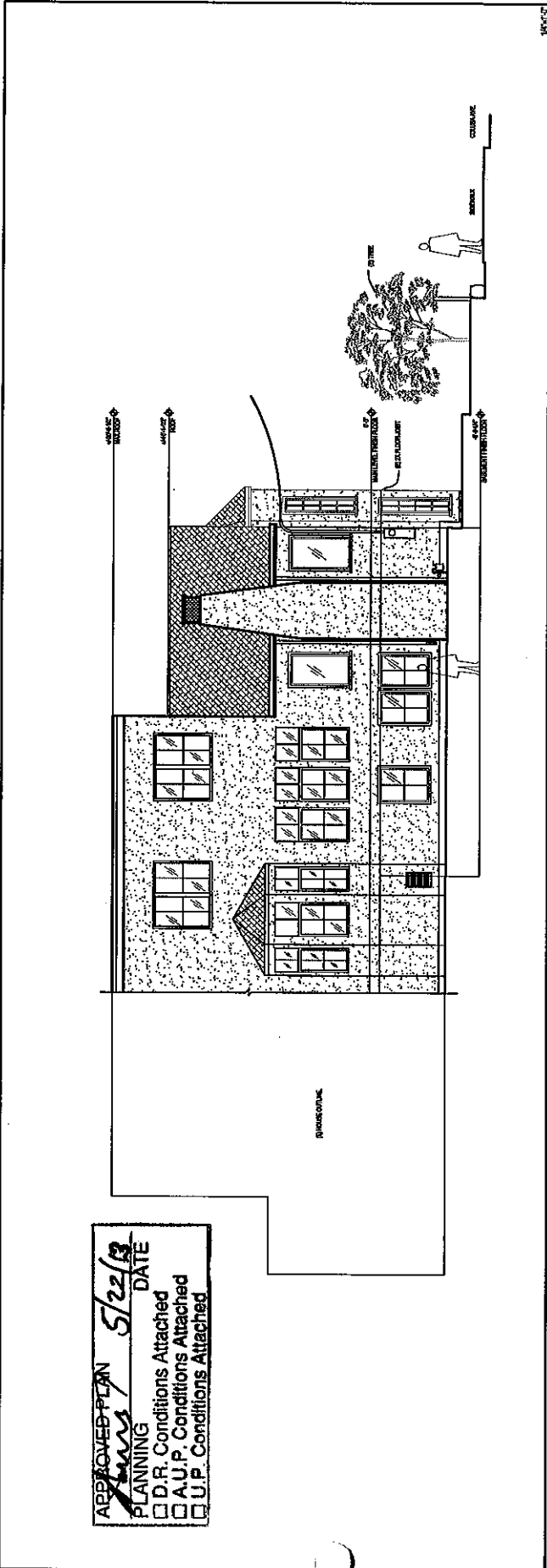


Project Name:
 1220 COLLUSA AVE BERKELEY, CA 94704

RUBENSTEIN SWANN RESIDENCE
 for Ron Rubenstein & Kahn Swann
 1220 COLLUSA AVE BERKELEY, CA 94704

Sheet Title:
 PROPOSED ELEVATIONS
 Job No: 1200
 Scale: 1/8" = 1'-0"
 Date: APRIL 23, 2012
 Sheet No.

A3.2



APPROVED PLAN
 5/22/13
 DATE
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

